

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

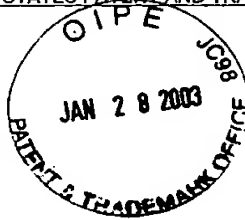
In Re Application of: Michael GUTIN et al

Application No.: 09/927,349

Filed: August 13, 2001

For: METHOD AND DEVICE FOR HANDLING OPTICAL PULSE...

Confirmation No.: 6838



Art Unit: 2872

Examiner: E. Cherry

Washington, D.C.

Atty.'s Docket: MALOMED=1A

Date: January 28, 2003

RECEIVED  
JAN 29 2003  
TECHNOLOGY CENTER 28000

THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

Transmitted herewith is a [XX] REPLY TOP ELECTION REQUIREMENT in the above-identified application.

- [ ] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted  
[ ] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.  
[ ] No additional fee is required.

The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OR	OTHER THAN SMALL ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS	RATE	ADDITIONAL FEE		RATE	ADDITIONAL FEE
TOTAL	*	MINUS	** 20	0	x 9	\$		x 18	\$
INDEP.	*	MINUS	*** 3	0	x 42	\$		x 84	\$
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+ 140	\$		+ 280	\$
					ADDITIONAL FEE TOTAL	\$	OR	TOTAL	\$

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- [ ] First - \$ 55.00  
[ ] Second - \$ 205.00  
[ ] Third - \$ 465.00  
[ ] Fourth - \$ 725.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

- [ ] First - \$ 110.00  
[ ] Second - \$ 410.00  
[ ] Third - \$ 930.00  
[ ] Fourth - \$ 1450.00

Month After Time Period Set

[ ] Less fees (\$ ) already paid for \_\_\_ month(s) extension of time on \_\_\_\_\_.

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$ \_\_\_\_\_.

[ ] Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ \_\_\_\_\_.

[ ] A check in the amount of \$ \_\_\_\_\_ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

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ATTY.'S DOCKET: MALOMED=1A

In re Application of: ) Art Unit: 2872  
Michael GUTIN et al ) Examiner: E. Cherry  
Appln. No.: 09/927,349 ) Washington, D.C.  
Date Filed: August 13, 2001 ) Confirmation No. 6838  
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HANDLING OPTICAL PULSE... )

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REPLY TO ELECTION REQUIREMENT

Honorable Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants are in receipt of an Office Action mailed December 30, 2002, in the nature of a requirement for election of species.

As an election must be made even though the requirement is traversed, applicants hereby respectfully and provisionally elect species 3, i.e. the third embodiment, Figs. 9A and 9B, with traverse and without prejudice. The claims which read on the elected subject matter are generic independent claims 1, 13, 17 and 29, and all the other claims except for claims 10, 20 and 21.

As the regards the reasons for traversal, applicants first note that for an election of species

requirement to be proper, the claims must have mutually exclusive characteristics, noting MPEP 806.04(f), the first sentence of which reads:

Claims to be restricted to different species must be mutually exclusive.

Thus, for an election of species to be proper, the claims directed to one "species" must have features which are inconsistent with features in the other species, and vice versa. Except for non-elected claims 10, 20 and 21, such a situation does not exist in the present application.

Main claims of the present CIP application cover not only additional embodiments implementing the technology of non-linearity compensation in optical networks, which was disclosed in the parent application, but they also claim obtaining new technological possibilities of a Second Harmonic Generating (SHG) element, and therefore the present invention should not be restricted to one specific embodiment of the SHG implementation.

As indicated above, four independent claims 1, 13, 17, 29 are generic and readable both on the elected species 3, and on the non-elected species 1 and 2; and all the generic claims relate to the central idea of the invention, *i.e. providing a technology of handling an optical pulse signal so as to obtain at least one result of the following: treatment of non-linearity, pulse shaping and monitoring of*

*the optical signal, by selecting a suitable path length for an optical beam incoming a Second Harmonic Generating (SHG) element.*

The physical principles and technical ways of selecting the path length are specified in a number of dependent claims. Some dependent claims relate to physical and mathematical principles of determining the suitable path for obtaining each of the above-defined purposes (claims 2, 3, 4, 14, 18, 19). The independent claim 29 also explains physical principles of selecting the path length. Other dependent claims relate to technical measures for extending the optical path in the SHG element, thereby facilitating the obtaining of the required path length in the SHG element (Claims 5,6, 20, 21, 22, 30).

Yet another reason for the traverse is in that all the three embodiments are connected with one another.

The embodiment of Fig. 8 is an inventive development of the embodiment of Fig. 7, i.e. they are not mutually exclusive.

Each of the layers 56 shown in Figs. 9A and 9B can be implemented according to the idea illustrated in Fig. 7 (which is actually seen in Fig. 9B), and therefore these also are not mutually exclusive.

Likewise, the layers 56 of Figs. 9A, 9B can be implemented according to the features shown in Fig. 8, namely by providing more than two outer facets of the layer 56 with a mirror coating and making additional windows in the coating for an incoming/outgoing beam. These options are not mutually exclusive.

As indicated above, it appears that **only** claims 10, 20, and 21 might be considered as somehow contradicting to the embodiment shown in Figs. 9A and 9B.

However:

- if layers 56 of the crystal 50 are isolated (see the description, page 27, lines 8-13), each of them can be considered a separate device according to the invention as claimed in claim 10;

- the Second Harmonic Generating (SHG) elements,, shown as prismatic layers 56 in Fig. 9A, may be each of a cubic form (claim 20);

- the SHG elements 56 in Figs. 9A, 9B may be provided with more than two windows (claim 21) though only two windows per layer are shown in Fig. 9B.


Applicants respectfully request withdrawal of the election of species requirement and examination of all the claims on the merits.

Applicants respectfully await the results of a  
first examination on the merits.

Respectfully submitted,

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